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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/035,844	01/04/2002	Stephen J. Brockman	TLT0002-01	4142

7590 04/27/2004

BARNES & THORNBURG  
11 SOUTH MERIDIAN STREET  
INDIANAPOLIS, IN 46204

EXAMINER
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TAYLOR, BARRY W

ART UNIT	PAPER NUMBER
2643	8

DATE MAILED: 04/27/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/035,844

Applicant(s)

BROCKMAN ET AL.

Examiner

Barry W Taylor

Art Unit

2643

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-91 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-91 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
- Paper No(s)/Mail Date #4 date 1-4-02.
- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

**DETAILED ACTION**

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

1. Claims 1-91 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fleischer, III et al (5,799,073 hereinafter Fleischer) in view of Nolting et al (6,721,405 hereinafter Nolting).

Regarding claims 1, 31 and 62. Fleischer teaches method and system for analyzing telecommunications data relating to a business entity using business entity aggregation criteria (abstract, col. 4 line 9), comprising:

obtaining telecommunications data relating to the business entity (col. 1 lines 6-15, col. 3 lines 21-46, col. 4 lines 39-61, column 5, col. 8 lines 60-67, col. 11 lines 16-67, col. 12 lines 12-38, col. 14 lines 47-64, columns 16-25);

aggregating the telecommunications data according to business entity aggregation criteria (col. 1 lines 6-15, col. 3 lines 21-46, col. 4 lines 39-61, column 5, col. 8 lines 60-67, col. 11 lines 16-67, col. 12 lines 12-38, col. 14 lines 47-64, columns 16-25).

Fleischer does not explicitly show obtaining from a plurality of telecommunications providers.

Nolting also teaches monitoring and analysis of interconnect traffic stored in relational database allowing for Local Exchange Carrier (LECS) to engineer upgrades to provide cost effective service for the traffic to and from other carrier's network (abstract and figure 1, col. 1 lines 13-18, col. 3 lines 28-54, col. 4 lines 11-48, col. 5 lines 33-47). Nolting discloses the relational database is processed and uploaded to a multi-dimensional database supplemented with reference data and where necessary spreading or binning the data (col. 6 lines 40-67) and the multi-dimensional database provides on-line analytical processing tools for call data and offers an efficient GUI, preferably a web site (col. 6 line 63 – col. 7 line 20). Nolting discloses calculating jurisdictional calling factors such as percentage based and using other applications such as ISP finder application that identify numbers having large volume of incoming

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calls with long average hold time (column 7). Nolting teaches using data from plurality of carriers (col. 7 line 44 – col. 8 line 60).

It would have been obvious for any one of ordinary skill in the art at the time of invention to modify the invention as taught by Fleischer to collect telecommunication data between carriers as taught by Nolting for the benefit of allowing carrier to understand the distribution of the traffic that goes between these networks, in order to forecast and build the network in the most economical manner.

Regarding claims 2, 4-8, 32-33, 35-39, 63, and 65-69. Fleischer teaches usage data (see total calls for the reporting period in abstract, columns 3-5, columns 13 line 60 – column 18, col. 19 line 20 – col. 24 line 58). Nolting also shows usage data (abstract, col. 2 line 65, col. 3 lines 52-54, col. 4 lines 34-48, col. 5 lines 16 and lines 33-54, col. 6 lines 34-67, col. 7 lines 1-10, col. 8 lines 4-60, col. 9 line 58 – col. 10 line 37, col. 10 line 65 – col. 11 line 34, col. 20 line 66 – col. 21 line 46, col. 22 lines 9-33, col. 23 line 29 – col. 37 line 64).

Regarding claims 3, 9-13, 34, 40-44, 64 and 70-74. Fleischer teaches cost data (columns 3-5, columns 13 line 60 – column 18, col. 19 line 20 – col. 24 line 58). Nolting also teaches cost data (col. 1 lines 13-18, col. 2 lines 57-67, col. 3 lines 31-54, col. 4 lines 33-48, col. 6 lines 4-6, lines 34-46, col. 6 line 57 – col. 7 line 10, col. 8 lines 4-15, col. 10 line 65 – col. 11 line 34 col. 22 lines 9-33, col. 23 line 29 – col. 27 line 64).

Regarding claims 14, 45 and 75. Fleischer teaches translations stored (col. 10 line 44, col. 11 line 42). Nolting also teaches translation stored (see line 10 of abstract, col. 1 line 44, col. 13 lines 66-67, column 15, col. 18 line 9, column 20, col. 21 line 30).

Regarding claims 15-22, 46-53 and 76-83. Fleischer teaches selecting at least one business entity aggregation criteria (see total calls for the reporting period in abstract, columns 3-5, columns 13 line 60 – column 18, col. 19 line 20 – col. 24 line 58). Nolting also teaches selecting at least one business entity aggregation criteria (col. 6 line 58 – col. 7 line 18, col. 10 lines 20-38, col. 10 line 65 – col. 11 line 34, col. 11 lines 54-67, col. 12 lines 10-18, columns 20-27).

Regarding claims 23-30, 54-61 and 84-91. Fleischer does not explicitly show performance data.

Fleischer does not explicitly show obtaining from a plurality of telecommunications providers.

Nolting also teaches monitoring and analysis of interconnect traffic stored in relational database allowing for Local Exchange Carrier (LECS) to engineer upgrades to provide cost effective service for the traffic to and from other carrier's network (abstract and figure 1, col. 1 lines 13-18, col. 2 lines 63-65, col. 3 lines 28-54, col. 4 lines 11-48, col. 5 lines 33-47). Nolting discloses the relational database is processed and uploaded to a multi-dimensional database supplemented with reference data and where necessary spreading or binning the data (col. 6 lines 40-67) and the multi-dimensional

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database provides on-line analytical processing tools for call data and offers an efficient GUI, preferably a web site (col. 6 line 63 – col. 7 line 20). Nolting discloses calculating jurisdictional calling factors such as percentage based and using other applications such as ISP finder application that identify numbers having large volume of incoming calls with long average hold time (column 7). Nolting teaches using data from plurality of carriers (col. 7 line 44 – col. 8 line 60, col. 9 line 58 – col. 10 line 64, col. 10 line 65 – col. 11 line 67, col. 12 lines 1-18, columns 20-27).

It would have been obvious for any one of ordinary skill in the art at the time of invention to modify the invention as taught by Fleischer to collect telecommunication data between carriers as taught by Nolting for the benefit of allowing carrier to understand the distribution of the traffic that goes between these networks, in order to forecast and build the network in the most economical manner.

2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Barry W. Taylor whose telephone number is (703) 305-4811. The examiner can normally be reached on Monday-Friday from 6:30am to 4pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curtis Kuntz can be reached on (703) 305-4708. The fax phone number for this Group is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to Technology Center 2600 customer service Office whose telephone number is (703) 306-0377.

  
CURTIS KUNTZ  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600